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## Administration submits advance directive bill

Lt. Governor Ipulasi Aitofele Sunia submitted to the Fono earlier this month the 'Advance Directive Bill,' a measure that recognizes and validates the wishes of individuals regarding their own health care under local laws.

Prior to submitting the bill, Ipulasi wrote a letter to the Fono leadership explaining that the territory's adoption of local laws regarding advance directives is a requirement of the Federal Patient Self-Determination Act of 1995.

According to Ipulasi, every other state and territory has adopted similar legislation supporting the Act, and "every hospital is required to have documents available in its admission for patients to use if they have not already executed a living will or durable power of attorney for healthcare."

The proposed legislation, according to Ipulasi, sets forth procedures and guidelines for recognizing the individual liberty of determining one's own healthcare needs.

The proposed measure has been put into bill format and introduced in both chambers of the Fono. The bill aims to create a new chapter in the law called "Health Care Decisions," and would provide end-of-life health care guidelines as well as advanced directive, health care surrogates and other issues.

"A person has a fundamental right to determine whether or not life-sustaining procedures, which would cause prolongation of life beyond natural limits, should be used or withdrawn," states the preamble.

The bill provides guidelines such as the appointment and duties of a healthcare representative, procedures for making a living will, and procedures in the absence of a living will and for determination of patient condition.

Nothing in the proposed chapter "shall be construed to condone, authorize, or approve mercy killing or euthanasia, or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying."

In addition, the "withholding or withdrawal of life-prolonging procedures from a patient in accordance with any provision of this chapter shall not, for any purpose, constitute a suicide."

LBJ Medical Center's general counsel Terry Lovelace and hospital CEO Patricia Tindall have appeared in the Fono to testify on the proposed measure. Lovelace told lawmakers that the legislation is required by federal law, and added that the bill would greatly benefit the residents of the territory, allowing them to make critical decisions about their health care if, sometime in the future, they are not able to successfully communicate these wishes. Lovelace said that the bill gives the patient a voice and thus, takes the decision away from surviving family members who may be at odds about what they believe the patient would've wanted.

With the bill, the patient gets to state, in advance, how he/she wishes to be treated and simply provides them with a choice. It doesn't require them to do anything, except it gives them the option of making a 'living will.'

### SHARE IMPORTANT INFORMATION & ACTIVITIES

with your ASG workforce as well as the citizens of American Samoa. Email your articles, announcements, pictures or other information to: Harry Stevens ([harry.stevens@americansamoa.gov](mailto:harry.stevens@americansamoa.gov)) or Tialuga Vince Iuli ([vince.iuli@americansamoa.gov](mailto:vince.iuli@americansamoa.gov))

## House approves appropriation for Land Grant computer system

A bill seeking an approval to purchase a computer networking system for the Land Grant at the American Samoa Community College has been unanimously approved by the House of Representatives. The Senate is yet to make their decision.

The bill was submitted by Acting Governor Fepulea'i Afa Ripley earlier this month. According to Fepulea'i, Land Grant has been "seriously deterred in its normal operations due to an inadequate computer system with multiple deficiencies."

In a letter to the Fono, Fepulea'i explained that "the magnitude of the problem and its impact on the entire school registration process and other system related areas has placed several critical in-house processes in the most precarious dilemma." He added that during an emergency meeting to examine the problem, the Board of Higher Education decided that the only feasible solution to "this urgent crisis" is to purchase a new computer system.

Funding for the proposal is to come from the interest accumulated from investments through the ASCC Land Grant Endowment Fund.

The Board of Higher Education, which oversees ASCC, has issued its stamp of approval on expending the funds for the proposed project and the ASCC finance office has confirmed that there are sufficient funds to cover the requested amount of \$500,000

However, under the law, Fono approval is required for the use of the funds.

According to the bill, the computer system is to be used for daily activities including, but not limited to, managing Land Grant college student records, improving electronic and computerized activities of the Land Grant, improving communication capabilities, and upgrading the system.

The bill goes into effect immediately upon approval from the Fono and the Governor.

## HISTORICAL NOTES

*By: Stan Sorensen, Historian, Office of the Governor*

**On February 16, 1895**, U.S. Secretary of State Walter Q. Gresham said that the United States was "unwilling to assume one third of the expense and maintenance of the wives and children of the banished Samoans [*i.e.*, Mata'afa Iosefo and his followers] on the island of Jaluit" (in the Marshall Islands, whence they were banished by the "Three Consuls"). He further asserted that "it has never been the intention of the United States to cooperate in their permanent exile," and he felt that ample punishment had already been inflicted.

**On February 16, 1900**, the Berlin Agreement was ratified by the United States Senate. Under the terms of the treaty, the eastern Samoan islands (Tutuila, Aunu'u and Manu'a) became a U.S. Territory. Germany gained control of 'Upolu, Savai'i and the other western isles, and in return gave up her interests in Tonga and the Solomon Islands. Britain relinquished her claims in Samoa, colonized the Solomon Islands and retained a sphere of influence in Tonga.

**On February 17, 1887**, the Honorable John E. Bush (Hawaiian King Kalakaua's Minister Plenipotentiary to the Kings of Samoa and Tonga) and Samoa's King Malietoa Laupepa signed a Treaty of Confederation between Hawaii and Samoa. Bush became Hawaii's Ambassador to Samoa. "The signature was celebrated by a drunken orgy, from which Malietoa, always decent, retired early. He said to one of the legation: "If you have come here to teach my people to drink, I wish you had stayed away."

**On February 17, 1900**, Commander Benjamin Franklin Tilley, United States Navy, became American Samoa's first naval governor (until November 27, 1901), although his official designation was "Commandant, U.S. Naval station Tutuila." Commander Charles Brainard Taylor Moore was the first governor to be so designated (as "Governor of Tutuila," on January 30, 1905). The first person designated as "Governor of American Samoa" was Commander William Michael Crose, on July 17, 1911.

**On February 19, 1900**, President William McKinley put Tutuila and all the Samoan islands east of 171 degrees west longitude under the authority of the U.S. Navy. On the same day, Secretary of the Navy John D. Long named these islands "U.S. Naval Station Tutuila."

**On February 20, 1929**, the U.S. Congress approved the cession of Tutuila (which occurred on April 17, 1900) and Manu'a (which was signed by Tui Manu'a Elisara on July 14, 1904 and was recorded at the Courthouse on July 16, 1904).

**On February 20, 1929**, the U.S. Congress created a Commission (the "American Samoan Commission") to recommend an organic act for the Government of American Samoa. The members were: Senator Hiram Bingham, Republican of Connecticut, Chairman; Senator Joseph T. Robinson, Democrat, Arkansas; Representative Carroll L. Beedy, Republican from Maine, and Representative Guinn Williams, Democrat of Texas. President Calvin Coolidge had appointed Chiefs Mauga Palepoi (Eastern District Governor) Tufele Fa'ato'ia (Manu'a District Governor) and Magalei Siasulu ("a representative of the *Manu*") as the Commission's Samoan members.

## ASG RADIO PROGRAM

*With: Gov. Togiola Tulafono*

*On: Showers of Blessings FM 104.7*

*Saturdays @ 7a.m.*

*Call: 699-8123/8124*

## **AG to be elected, not appointed, if Fono passes proposed bill**

A half dozen members of the House of Representatives are supporting a proposed bill calling for the Attorney General of the American Samoa Government to be elected, instead of appointed by the Governor as is the current practice.

The proposed bill, if passed, will establish the AG's Office as an independent agency of the Executive Branch, with the first Attorney General to be elected in 2010 and every four years thereafter.

The six House members who are pushing the bill include Reps. Vaito'a Hans Langkilde, Mary Lauagaia M. Taufete'e, Leapai Sipa Anoa'i, Taotasi Archie Soliai, Manu Talamoa, and Atualevao Gafatasi Afalava.

The main goal of the bill is to free the AG position from political influences and to give the general public the opportunity to decide who they think is best to take on one of the key positions in the territory.

The Tapuitema spoke to several local residents who were asked to provide their own personal opinions on the matter. Supporters of the proposed legislation believe that the bill would make it easier for the AG to make decisions freely, without fear of repercussions.

However, those who said they were against the bill are concerned, saying if the bill passes, the more popular attorneys would be elected, meaning that well-qualified lawyers who are not household names and not well-connected will not stand a chance.

The measure proposes that the Attorney General will receive compensation of \$50,000 annually, in addition to other perks that include housing allowance and a government vehicle.

Under the proposed bill, the Attorney General will be subject to impeachment. To qualify, candidates must have the same qualifications as that of the Governor and Lt. Governor, in addition to being a member of the American Samoa Bar Association.

The measure states that in case of a permanent vacancy, within a year before the next general election for the AG post, the Governor shall appoint the Attorney General - to be confirmed by the Senate - to fill the vacancy.

"The appointee shall serve in such capacity until the next general election for the election of the Attorney General. A vacancy occurring at any other time shall be filled by a special election," the bill states.

The measure is not a new one, as a similar one was proposed by former Pago Pago faipule Rep. Muavaefa'atasi Ae Ae Jr. in 1998. That bill never passed because it was defeated in the Senate.

## **DEPARTMENT OF HUMAN AND SOCIAL SERVICES**

### **"Matagaluega Tautua mo Alagamanuia Lautele"**

### **RELOCATION NOTICE**

**EFFECTIVE MONDAY, FEB. 11, 2008, the Systems Advancement and Family Assistance Branch of the Social Services Division, including CHILD CARE, DATA SYSTEMS, FINANCE & SPF SIG units, will be located at the Lumana'i Building, upstairs from the Post Office in rooms LB# 117 & 118. For more information, please call 633-2696/633-7506**

### ***FAASILASILAGA***

***AMATA IA FEPUARI 11, 2008, o se tasi o vaega o le Matagaluega Tautua mo Alagamanuia Lautele sa i se nofoaga i Nu'uuli, ua si'itia i le Lumana'i i Fagatogo (i luga o le Fale Meli), o lo'o aofia ai le CHILD CARE (porokalame mo le tausiga o alo ma fanau), DATA SYSTEMS, FINANCE & SPF SIG Prevention Fa'asamoa Project. Mo nisi Fa'amalamalama'aga, vala'au mai ile 633-2696/633-7506***





*Former  
ASCC  
president  
Dr. Satele-  
Galea'i  
honored  
by the  
Fono*

Former president of the American Samoa Community College Dr. Adele Satele-Galea'i has been honored by the upper chamber of the local Legislature through an approved concurrent resolution that commends and honors her work as both a public servant and local educator.

The resolution was sent to the House of Representatives where it also received approval. Dr. Satele-Galea'i stepped down as ASCC president last year due to health reasons.

The resolution praises Dr. Satele-Galea'i for her longtime service to the territory, especially her contributions in education. It also lists in detail the extensive service of Dr. Satele-Galea'i, a published scholar who has served in almost every leadership position at ASCC.

The measure describes Dr. Satele Galea'i's career as an "illustrious" one, calling her a true public servant and therefore, "it is only proper and fitting for the territory to pay tribute to one of her leaders and honor Dr. Satele Galea'i for her many contributions to the people of American Samoa."

Dr. Satele-Galea'i took over the helm as ASCC president in 2001 and she has served in many other capacities including several boards and commissions like the Education Commission of States, the International Samoan Language Commission, and the American Samoa Cancer Research Program.

The Senate president or his representative will be presenting the resolution to Dr. Adele Satele-Galea'i personally, or at an appropriate ceremony honoring her service.

**PUBLIC NOTICE**  
**NOTICE OF INTENDED ACTION**

In accordance with American Samoa Code Annotated ("ASCA") § 4.1004, notice is hereby given that the American Samoa Power Authority ("ASPA") intends to adopt interconnection and net energy metering laws (the "Policy"), to be codified in American Samoa Administrative Code ("ASAC") § 12.06, on or about March 11, 2008. The Policy shall become effective on April 2, 2008.

The Policy pertains to the interconnection of renewable energy generating facilities between ASPA and its customers. ASPA encourages the use of renewable energy technologies and renewable generating facilities, and has adopted these rules to make the process of interconnecting as simple and economical as possible, as well as to protect ASPA's electrical facilities from harm or damage.

In accordance with ASCA § 4.1020, the Policy may be inspected during normal business hours at ASPA's Satala office. Interested persons may submit written data, views and/or arguments on the amendments by U.S. Mail or hand delivery to the following address:

**American Samoa Power Authority**  
**Attn: Michael Keyser, CEO**  
**Satala Office**  
**P.O. Box PPB**  
**Pago Pago, AS 96799**

Additionally, a public hearing on the Policy will be held at the ASPA Tafuna Power Generation conference room on March 6, 2008 from 9:30 a.m. to 12:30 p.m., at which time all interested persons may submit data, views and arguments orally or in writing. The comment period shall expire and no further written submissions shall be accepted after the date of the public hearing. All written and oral submissions shall become public information upon receipt by ASPA and shall become part of the rulemaking docket.

**ASPA Management**



## Public Notice of Intent

The American Samoa Environmental Protection Agency (AS-EPA) and the Environmental Quality Commission (EQC) are proposing to amend the “Safe Drinking Water” regulations in Title 25 Chapter 4 of the American Samoa Administrative Code. The main points of proposed changes to the laws involve:

- Bottled water standards for local, on-island bottlers;
- American Samoa Power Authority (ASPA) water treatment operators certification programs;
- ASEPA Water Quality Laboratory fees;
- General grammatical and formatting changes.

The proposed changes are available for review at the AS-EPA office in Utulei. The public may submit written comments about the proposed changes via email to [ASEPAcomments@gmail.com](mailto:ASEPAcomments@gmail.com) or by mailing them to: Safe Drinking Water Comments, PO Box PPA, Pago Pago, AS 96799. A public hearing will be held at 10 AM on March 10, 2008 in the AS-EPA Conference Room for interested parties to present their comments in person to AS-EPA and EQC members.

## Fa'asilasilaga Fa'alaua'itele

Ua i ai nei se talosaga mai le Ofisa O Puipua Le Si'osi'omaga i Amerika Samoa (ASEPA) ma le Komisi Mo Le Mamā O Le Si'osi'omaga (EQC) e faia ni suiga i tulafono mo le “Suavai Taumafa Saogalemu,” Tulafono Fa'aulutalaina 25 Vaega 4 o le Tusi Tulafono a le Malo a Amerika Samoa. O mata'upu taua o le talosaga o lo'o fia suia i le tulafono e aofia ai:

- Tapula'a fa'atulagaina mo fagu vai o lo'o gaosia i Amerika Samoa;
- Polokalama e pasia ai le au faigaluega a le Malosi'aga Fa'a'etise ma Le Suavai (ASPA), i latou o lo'o gafa ma le fa'availa'auina o le suavai.
- Tupe totogi mo le Potu Su'esu'e a le ASEPA mo le Suavai Taumafa;
- Suia o le gagana ma le fa'ata'otoga o le tulafono mo le Suavai Taumafa.

O lenei talosaga o lo'o iai nei i le Ofisa o le AS-EPA i Utulei mo le mamalu o le atunu'u e mafai ona faitau ai. E mafai ona fa'ao'o atu tusitusiga uma mo lenei talosaga e ala atu i le imeli [ASEPAcomments@gmail.com](mailto:ASEPAcomments@gmail.com) po o le pusa meli: Fa'amatalaga mo le Suavai Taumafa Saogalemu, PO Box PPA, Pago Pago, AS 96799. O le a faia se fono ia Mati 10, 2008 i le 10am mo le mamalu o le atunu'u ma i latou uma e fia saunoa ai i lea mata'upu i le potu fono a le ASEPA i Utulei.

### PUBLIC NOTICE

The Department of Marine & Wildlife Resources completed a draft of the Community-based Fisheries Management Program regulations. The document is available for public review and comments are welcome until February 25, 2008 at 4PM. Interested parties may obtain a copy from the Department of Marine & Wildlife Resources – Fisheries Division. Any questions regarding this notice please contact Selaina Vaitautolu-Tuimavave at 633-4456.



### FA'AALIGA

Ua mae'a ona fa'atulagaina e le Matagaluega o Alamanuia o le Sami ma le Vaomatua ni tulafono fa'ata'ita'i mo le Porokalame o le Puipua o Gataifale Fa'asao i Nu'u ma afio'aga o Amerika Samoa. O lo'o iai nei se tusi tulafono ua mafai ona taga'i iai le mamalu o tagtanu'u ma aumaia ai ni faitioga po'o ni fautuaga. E tapunia lenei avanoa i le aso 25 o Feuary 2008 i le 4 afiafi. Mo ni isi fesili fa'amolemole vala'au mai ile 633-4456 mo Selaina Vaitautolu-Tuimavave.



**NOTICE OF AGENCY INTENT TO ADOPT  
ADMINISTRATIVE RULES PURSUANT TO ASCA §4.1004**


The Department of Marine And Wildlife Resources [DMWR] intends to adopt rules establishing a Community Based Fisheries Management Program, the general purpose of which is to:

- Create village by laws to implement and utilize in the village participation in the Community-Based Fisheries Management Program.
- Establish and delineate village marine protected areas.
- Provide for the protection and conservation of marine and wildlife resources.
- Make it a criminal violation punishable by fine to engage in fishing activities identified as prohibited acts.
- Provide for a criminal penalty for conviction of violation of certain prohibited acts.
- Provide for seizure and forfeiture of property used in the commission of fishing activities identified as prohibited acts.

Interested persons may present their views in writing to the Director of DMWR on or before March 28, 2008 at its offices in Fagatogo during normal business hours. Additionally a full text of the rules subject of this notice of intended action are available for inspection.

Respectfully submitted,

Date: 2/7/08

  
Tulafono, Director  
DMWR

**FA'ASALALAUGA  
FA'ALAUUA'ITELE**

E tusa ai ma le tulafono American Samoa Code Annotated ("ASCA") § 4.1004, e fa'asilasila atu ai i le mamalu o le atunu'u, o loo fuafua e le Ofisa o le Eletise ma le Vai (ASPA) o le a amata ia Aperila 2, 2008 ona faamamalu aiaiga fou. Ua faia ia aiaiga mo mita e mafai ona fuafua ai le faaaoga felafoa'i o le eletise a le ASPA ma le eletise fa'anatura; ma o le a faamauiina faatulafono i le American Samoa Administrative Code ("ASAC") § 12.06, e latalata ia Mati 11, 2008.

O lenei aiaiga e faasino i le faaaogaina o meafaigaluega a le ASPA e faafesoota'i ai eletise fa'anatura i le va lelei ma ana paaga. E sapaapaia e le ASPA le fa'aogaina o tekonoosi mo le gaosiga o le eletise fa'anatura, ma ua faamautu ai nei aiaiga e faia ai faafesoota'iga i se ala aupitoa'i faigofie ma taugofie, ma puipuia ai meafaigaluega a le ASPA mai le fa'aleagaina.

E tusa ai ma le ASCA § 4.1020, e mafai ona silasila i le tulafono i taimi faigaluega masani o le ASPA i Satala. Soo se tasi e manatu iai, ia faao'o mai sou finagalo fa'aali poo sau faafinauga o suiga e ala i se tusitusiga e lafo mai i le meli pe tauaao mai i le tuatusi lenei:

**American Samoa Power Authority**

**Attn: Michael Keyser, CEO**

**Satala Office**

**P.O. Box PPB**

**Pago Pago, AS 96799**

O le a faia fo'i se iloiloga o lenei aiaiga mo tagata lautele i le Aso Tofi, Mati 6, 2008, i le 9:30 i le taeao e oo i le 12:30 i le aoauli i le potu fono o le ASPA Generation i Tafuna. O le a mafai ona faaulu mai ai e ala i tusitusiga poo saunoaga ni faamaumauga, manatu faaalua, poo faafinauga. O le a faamuta ai i lea aso le talia o ni tusitusiga. Ua fa'atulagaina e fa'amuta i le aso o lea iloiloga fa'alaua'itele. O tusitusiga ma saunoaga uma e faauluina mai i le ASPA o le a avea ma manatu faala'ua'itele ma faaopoopo i pepa faamaumauina o le fauina o le tulafono.

**Puleaga a le Ofisa o le Uila  
ma le Vai**